

REMARKS

This paper is submitted in response to the Office action mailed on September 30, 2009, setting forth a shortened three-month statutory period for reply with a three-month extension of time expiring on March 30, 2010. This paper is submitted on March 30, 2010. Thus, an extension of time petition and fee accompany this response.

The Examiner is thanked for reviewing the application and issuing an Office action. Claims 1-10 are pending in this application. In this Amendment and Response, claims 1, 2, and 6-10 are amended, claim 5 is cancelled, and claims 11-16 are added. Accordingly, after entry of this Amendment and Response, claims 1-4 and 6-16 will be pending.

I. Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. D431,903 to Worley ("Worley") or U.S. Pat. No. 5,407,112 to Christodoulou et al. ("Christodoulou"). Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,944,155 to Geary ("Geary"). Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 6,467,594 to Wu ("Wu"). Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 4,081,061 to Tucker.

Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as unpatentable over Worley or Christodoulou in further view of U.S. Pat. No. 6,431,334 to Lin ("Lin"). Claims 3-4 and 7-10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Worley in further view of U.S. Pat. No. D387,198 to Lehmann et al. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. § 103(a) as unpatentable over Geary or Wu in view of U.S. Pat. No. D485,681 to Fenton ("Fenton"). Claims 4 and 8 are rejected under 35 U.S.C. § 103(a) as unpatentable over Wu or Geary in view of U.S. Pat. No. 5,630,521 to Waddell et al. Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Wu or Geary in view of U.S. Pat. No. 5,984,154 to Scicluna. Claims 2-6 are rejected under 35 U.S.C. § 103(a) as unpatentable over Wu in view of Lin. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Pat. No. 5,083,645 to Lee in view of U.S. Pat. No. 2,985,265 to Gehrie. For at least the following reasons, the Assignee respectfully disagrees with these rejections.

Claim 1 is amended to recite, among other elements, that the carry-on case includes a pocket that can be accessed by selectively moving first and second zippers along zipper tracks. The claim is further amended to recite, among other elements, that the pocket is accessed from a top edge and spaced apart edges defining the pocket by selectively moving the first zipper along the first zipper track and through a bottom edge defining the pocket by moving the second zipper along the second zipper track. Support for these and the other

amendments to claim 1 may be found at least in Figs. 2-4 and 14-15 and on pages 4-6 of the application as filed. Accordingly, the Assignee respectfully submits that no new matter is added and thus respectfully requests entry of the amended claim.

The Assignee respectfully submits that none of the cited art, either alone or combined, appears to teach or suggest a pocket that is accessed through a top and spaced apart edges by selectively moving a first zipper along a first zipper track as defined in claim 1 and accessed through a bottom edge by selectively moving a second zipper along a second zipper track as defined in claim 1. As such, the Assignee respectfully submits that amended claim 1 is patentable over the cited references. Accordingly, the Assignee respectfully requests that the Examiner withdraw the rejections to claim 1 and indicate it as allowable.

New independent claim 16 is added. This independent claim contains similar elements to those added to claim 1. As such, the Assignee respectfully submits that claim 16 is supported by the specification and allowable over the cited references for at least the same reasons as amended claim 1. Accordingly, the Assignee respectfully requests that the Examiner enter new claim 16 and indicate it as allowable.

Dependent claims 2-4 and 6-10 depend from one of independent claims 1 and 16. Since each claim depends from a patentable independent claim, each claim is likewise patentable. Accordingly, the Assignee respectfully requests that the Examiner withdraw the rejections of these claims and indicate them as allowable. The Assignee makes this statement without reference to or waiving the independent bases of patentability of these dependent claims.

Claim 5 is cancelled, thus rendering its rejection moot.

II. New Claims

Claims 11-15 are added. Support for these new claims may be found at least in Figs. 2-4 and 14-15 and on pages 4-6 of the application as filed. Further, each claim depends from independent claim 1, and thus is patentable for at least the same reasons as claim 1. Accordingly, for at least the foregoing reasons, the Assignee respectfully requests that the Examiner enter these claims and indicate them as allowable.

III. Conclusion

The Assignee respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

This Amendment is submitted contemporaneously with a petition for a three-month extension of time in accordance with 37 CFR § 1.136(a). Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$1,110.00, for a three-month extension of

time fee. The Assignee believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

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Respectfully submitted,



Robert D. Hoge, Registration No. 55,273
Attorney for Assignee
USPTO Customer No. 20686

DORSEY & WHITNEY LLP
Republic Plaza Building, Suite 4700
370 Seventeenth Street
Denver, Colorado 80202-5647
Phone: (303) 629-3400
Fax: (303) 629-3450